

Agenda Item 12-4

CALFED Multi-Species Conservation: Reinitiation of Programmatic Consultation

Why Reinitiate Consultation?

- Required by Record of Decision and Attachments
- Necessary to extend commitments beyond September 30, 2004 not to reduce exports
 - Also requires extension of the EWA
 - Without commitments, uncertainty
- Expected to extend Programmatic Regulatory Compliance for covered species
 - Without Programmatic Compliance, no tiering

CALFED Regulatory Compliance for Covered Species

- Programmatic Record of Decision and Attachments
 - Conservation Agreement Regarding Multi-Species Conservation Strategy
 - Programmatic Biological Opinion from U.S. Fish and Wildlife Service
 - Programmatic Biological Opinion from NOAA Fisheries
 - Natural Community Conservation Plan Determination

Conservation Agreement Regarding MSCS

- Includes program-level regulatory commitments for Delta exports
 - No reductions in CVP and SWP Delta exports beyond those required under the Regulatory Baseline, provided conditions are met
 - Reinitiation required to extend commitments beyond September 30, 2004

Programmatic Compliance for Covered Species

- Provided by Federal biological opinions and State Natural Community Conservation Plan Determination
- Allows tiering for subsequent CALFED actions (for example, SDIP and EWA)

Reinitiation of Consultation

- Purpose is to evaluate efficacy of the EWA and progress towards achieving the Milestones during first four years of Stage 1
- No new action is proposed
- Assessment package serves as the “Biological Assessment”
- Expected to extend Programmatic Regulatory Compliance
- Allows Conservation Agreement to be amended to extend program-level commitments

Assessment Package

- Prepared by ERP Implementing Agencies in coordination with Authority staff
- Assesses first three years of the EWA
- Reviews CALFED actions (mostly ERP) regarding contributions towards Milestones
- Describes progress, status, and lists possible next steps for each Milestone
- Available for input until August 16th at <http://www.delta.dfg.ca.gov/envcomp/milestones.asp>

Assessment Findings

- Substantial progress toward Milestones
 - 63% on schedule
 - 3% ahead
 - 14% behind schedule
 - 20% need additional evaluation
- EWA effective in reducing effects of water export on Delta fish while protecting State and Federal projects from supply impacts
- Progress sufficient to renew program-level regulatory commitments

Next Steps

- ERP Implementing Agencies consider public input, supplement package
- Agencies complete consultation
- Conservation Agreement amended as appropriate